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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,629	10/04/2001	David Peterson	11305.8US01	1391
23552	7590	12/11/2003	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			DUNN, DAVID R	
		ART UNIT	PAPER NUMBER	3616

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/970,629	<b>Applicant(s)</b> PETERSON, DAVID
	<b>Examiner</b> David Dunn	<b>Art Unit</b> 3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 September 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-15,17 and 18 is/are rejected.
- 7) Claim(s) 3,16 and 19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 9/17/03. These drawings are approved.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites “an antisway bar”, which was previously recited in claim 14. This is indefinite as it is unclear if this is the same antisway bar or not.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Stuart (5,678,845).

Stuart discloses an antisway bar (41); a first mounting bracket (23); a second mounting bracket (23). The language of “for coupling . . .” and “capable of receiving . . .” in lines 4-8 are intended uses which are given little patentable weight; however the mounting brackets are capable of being mounted between a first king pin and a first airbag. Regarding claim 10, Stuart shows a front bracket (27); the central portion of the antisway bar is capable of passing through the front bracket.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4-7, 9, 10, 12-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart (5,678,845) in view of Haycraft (6,196,563).

Stuart discloses an antisway bar suspension assembly (see Figures 1 and 2) for use on a vehicle chassis comprising: a first mounting (23) coupled between the axle (19) and a first airbag (33); a second mounting arrangement (23) coupled between the axle and a second airbag (33); an antisway bar (41) having a first end (43), a second end (other end 43) and a central portion (45); the first end being secured into the first mounting portion; and the second end being secured into the second mounting arrangement. The mounting arrangements include housings (63), which include bearings (65).

Although Stuart shows a steer axle which typically includes a kingpin, Stuart does not specifically discuss the kingpins.

Haycraft shows a steering axle which includes kingpin bore cylinders (22) that support kingpins (not shown in the Figures, but disclosed at column 4, lines 60-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stuart with the teachings of Haycraft to include an axle having kingpins in order to facilitate steering. (As shown by the position of the mounting arrangement in Stuart, the mounting arrangements would be between the airbag and kingpin.)

With respect to claims 5 and 12, it would have been obvious to one of ordinary skill in the art at the time the invention was made to be obvious to one of ordinary skill in the art to make the antisway bar of any diameter as necessary such as 1.5 inches as changes in size require only routine skill in the art. *In re Rose*, 105 USPQ 137.

With respect to claim 13, the examiner takes Official Notice that the use of 50,000 tensile strength mild steel is old and well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the antisway bar of this material in order to provide a high strength bar.

Regarding claim 17, it would have been obvious to one of ordinary skill in the art at the time the invention was made to remove the stock configuration and install the antisway bar as described above.

8. Claims 1, 2, 5, 6, 9, 10, 13, 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pribyl (6,056,305) in view of Haycraft.

Pribyl discloses an antisway bar suspension assembly (see Figures 3 and 4) for use on a vehicle chassis comprising: a first mounting (26) coupled between the axle (24) and a first airbag (34); a second mounting arrangement (similar on other side of vehicle) coupled between the axle and a second airbag; an antisway (40) having a first end, a second end and a central portion; the first end being secured into the first mounting portion; and the second end being secured into the second mounting arrangement. Pribyl shows the mounting (26) having upper and lower plates (top and bottom plats of beam; see Figure 4).

Although Pribyl shows a front steerable axle which typically includes a kingpin, Pribyl does not specifically discuss the kingpins.

Haycraft is discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pribyl with the teachings of Haycraft to include an axle having kingpins in order to facilitate steering. (As shown by the position of the mounting arrangement in Pribyl, the mounting arrangements would be between the airbag and kingpin.)

With respect to claims 5 and 12, it would have been obvious to one of ordinary skill in the art at the time the invention was made to be obvious to one of ordinary skill in the art to make the antisway bar of any diameter as necessary such as 1.5 inches as changes in size require only routine skill in the art. *In re Rose*, 105 USPQ 137.

With respect to claim 13, the examiner takes Official Notice that the use of 50,000 tensile strength mild steel is old and well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the antisway bar of this material in order to provide a high strength bar.

Regarding claim 17, it would have been obvious to one of ordinary skill in the art at the time the invention was made to remove the stock configuration and install the antisway bar as described above.

9. Claims 8 and 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart in view of Haycraft as applied to claim 1 above, and further in view of Lewallen (6,213,221).

The combination of Stuart and Haycraft is discussed above and fails to disclose an ultra-high molecular weight polyethylene.

Lewallen teaches a bearing (38) made from an ultra-high molecular weight polyethylene (see column 4, lines 18-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Stuart and Haycraft with the teachings of Lewallen in order to provide a bearing with an improved friction resistance.

10. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pribyl in view of Haycraft as applied to claim 1 above, and further in view of Lewallen (6,213,221).

The combination of Pribyl and Haycraft is discussed above and fails to disclose an ultra-high molecular weight polyethylene.

Lewallen teaches a bearing (38) made from an ultra-high molecular weight polyethylene (see column 4, lines 18-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Pribyl and Haycraft with the teachings of Lewallen in order to provide a bearing with an improved friction resistance.

***Allowable Subject Matter***

11. Claims 3, 16, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Warinner et al., Muller, and Boucquey show various suspensions of interest.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 703-305-0049. The examiner can normally be reached on Mon-Thur, alt. Fridays, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.



David Dunn  
Primary Examiner  
Art Unit 3616